

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE PUBLIC UTILITIES COMMISSION

In the Matter of Qwest Corporation's
Application for Commission Review
of TELRIC Rates Pursuant to
47 U.S.C. § 251

ORDER ON DISCOVERY MOTION

This matter came before Administrative Law Judges Kathleen D. Sheehy and Steve M. Mihalchick on the CLEC Coalition's Motion to Compel Discovery. Qwest indicated through counsel that it has no objection to the motion to compel. The motion record closed on July 23, 2007.

Eric F. Swanson, Winthrop & Weinstine, 225 South Sixth Street, Suite 3500, Minneapolis, MN 55402-4629; and Joan Peterson, Qwest Corporation (Qwest) Law Department, 200 South Fifth Street, Room 2200, Minneapolis, MN 55402, appeared for Qwest. Dan Lipschultz, Moss & Barnett, 4800 Wells Fargo Center, 90 South Seventh Street, Minneapolis, MN 55402-4129, appeared for the CLEC Coalition.¹

Based on all of the files and proceedings herein, and for the reasons contained in the Memorandum attached hereto, the Administrative Law Judges make the following:

ORDER

The CLEC Coalition's Motion to Compel responses to Information Requests 2-94d and 2-99c is GRANTED; and Qwest shall provide documents responsive to the above Information Requests within eight business days.

Dated: July 24, 2007

s/Kathleen D. Sheehy
KATHLEEN D. SHEEHY
Administrative Law Judge

s/Steve M. Mihalchick
STEVE M. MIHALCHICK
Administrative Law Judge

¹ The CLEC Coalition is composed of Integra Telecom of Minnesota, Inc.; McLeodUSA Telecommunications Services, Inc.; POPP.com, Inc.; DIECA Communications, Inc., d/b/a Covad Communications Company; TDS Metrocom; NorthStar Access, LLC; Otter Tail Telecom, Inc.; and XO Communications of Minnesota, Inc.

MEMORANDUM

The CLEC Coalition served Qwest with Information Request Nos. 2-94d and 2-99c, which seek third-party contracts for the outsourcing of certain work related to the processing of CLEC orders. The CLEC Coalition maintains that this information is relevant to determining whether Qwest's proposed rates are reasonable. Qwest objected to producing them, maintaining that its contracts with third-party vendors are proprietary and that it could not disclose these documents without an order from the Administrative Law Judges compelling disclosure.

The CLEC Coalition previously moved to compel responses to Information Request Nos. 90 and 94-96, which also sought the disclosure of proprietary agreements between Qwest and vendors. Qwest objected on the same basis. The Administrative Law Judges concluded the information requests were likely to lead to the discovery of admissible evidence and granted the CLEC Coalition's motion to compel production, subject to the terms of the existing Protective Order.² Based on the resolution of the previous Order on Discovery Motions, Qwest has no objection to this motion to compel. Accordingly, the CLEC Coalition's Motion to Compel Discovery is granted.

K.D.S., S.M.M.

² Order on Discovery Motions (March 27, 2007).